

PATENT

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Inventor : DONOVAN, Kevin  
Serial No. : 09/385,802  
Filed : August 30, 1999  
For : UNIVERSAL INSTANT MESSAGING SYSTEM  
FOR THE INTERNET  
Group Art Unit : 2152  
Examiner : CHANKONG, Dohm

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Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 2231301459

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES  
TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. 1.131)**

Sir:

1. The person making this declaration is the inventor named in the above-identified patent application.
2. This declaration is to establish completion of invention in this application in the United States at a date prior to May 5, 1999, the effective date of U.S. Patent No. 6,549,937 (Auerbach), 6, 301, 609 (Aravamudan), and 6,564,261 (Gudjonsson) that were cited by the Examiner in the preceding Office Action.
3. I personally did programming to carry out an embodiment of the invention and was otherwise responsible for making the embodiment operable, and I personally operated the embodiment of the invention, including encryption e.g., Claim 16, on a date prior to May 5, 1999, while I was employed by Prodigy, which was owned by Ameritech.
4. Attached, and incorporated by reference, is a Business Wire article dated May 5, 1999, titled "Prodigy Unveils Next Generation of Instant Messaging" which corroborates my declaration with evidence of the commercial release of the embodiment of invention in the United States.

5. I have an interest in a corporation in a corporate family that now owns the above-referenced patent application as part of a portfolio, and I would receive some compensation attributable profit from the portfolio.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: 10/2/2008

Kevin Donovan  
Kevin Donovan



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## Business Services Industry

# Prodigy Unveils Next Generation of Instant Messaging

**Business Wire, May 5, 1999**

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WHITE PLAINS, N.Y.--(BUSINESS WIRE)--May 5, 1999--

PIM(TM) V2 to be Released this Fall in English and Spanish

Today, Prodigy Communications Corporation (NASDAQ NMS:PRGY) will debut its Beta version of Prodigy Instant Messaging(TM) Version 2.0 (PIM(TM) V2).

Prodigy's next generation instant messaging ("IM") product is the only one on the market that is compatible with multiple IM platforms such as IRC and AOL InstantMessenger(SM) (AIM(SM)), allowing Prodigy Chat(TM) users to talk to AOL members using AIM.

In addition, the new PIM V2 also offers real-time file and audio transfer capabilities, advanced chat room features, and more software upgrades to the messaging features most commonly used by consumers.

## Related Results

### Prodigy Unveils Next Generation of Instant Messaging

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"PIM V2 is basically instant messaging on steroids--incredible usability, unparalleled file-transfer features and the bridging of networks that'll break down the barriers to on-line communication between different platforms," said Prodigy Chief Technology Officer Bill Kirkner. "Prodigy pioneered chat technology, which is now one of the most popular uses of Internet access--only with this new version, we gave it some major interactive muscle."

The PIM V2 list of new features includes:

**Multiple Platform Agility:** PIM V2 is a first-of-its-kind product that allows Prodigy subscribers to send and receive instant messages with users of multiple chat platforms (such as AOL's AIM, Prodigy Chat, or IRC) simultaneously.

**Sound & File Transfers:** Using PIM V2, Prodigy users could, for example, send a recorded sound file (singing a birthday song) to a virtual surprise birthday in a special chat room with the whole family attending on-line. Or using PIM V2, users can send photos or files within a chat session without having to exit to an external program, such as mail.

Additionally, Prodigy has preprogrammed a list of customized sounds and fun messages in both Spanish and English to give PIM V2 users a more exciting and interactive online experience. Users can also easily add their own recorded sounds and customized messages.

**Friends online:** PIM V2 features the "Prodigy Friends" tool, which allows users to create lists of online friends from Prodigy Chat and AIM that will pop up an alert whenever a friend from either service comes online. Users can talk instantly, either individually, or among groups of friends to users on AIM and Prodigy Chat simultaneously.

**Chat Mansions (Many, many chat rooms):** Prodigy Chat features over 600 public chat rooms that are capable of handling hundreds of Prodigy members at a time. Customers can also set up smaller private chat rooms for family and friends, and members can participate in multiple rooms (both private and public) simultaneously.

Prodigy Chat also includes the ability to establish three different "handles" (or nicknames) which can be tied to each other, allowing users to receive messages sent to one nickname while logged in under a different nickname.

All technology trade media are encouraged to view the Prodigy Instant Messaging Web site at [pim.prodigy.net](http://pim.prodigy.net). Additionally, Prodigy is soliciting feedback on the product from a sample group of Prodigy subscribers via an online feedback center. Consumer comments and suggestions will be considered in final product development.

A final version of Prodigy Instant Messaging Version 2.0 is scheduled to be released later this year and

will be available in both English and Spanish. PIM V2 is available for 32-bit Windows(R) platforms and is in development for Macintosh(R) OS 8.x.

#### About Prodigy Communications Corporation:

Prodigy Communications Corporation is a leading nationwide Internet service that provides fast and reliable Internet access and related value-added services. Prodigy utilizes a nationwide network covering more than 750 cities in all 50 states allowing approximately 83% of the United States population to access Prodigy's services with a local telephone call.

Prodigy Internet enables the Internet to be used as a productivity tool by allowing subscribers to obtain and communicate desired information quickly and efficiently in an easy and personalized manner.

This press release contains forward-looking statements that involve a number of risks and uncertainties.

Among the important factors that could cause actual results to differ materially from those indicated by such forward-looking statements are the intense competition in the Company's industry, subscriber turnover, disruption in the Company's network services or in other services provided by third parties, the impact of year 2000 issues, as well as the risk factors detailed from time to time in the Company's periodic reports and registration statements filed with the Securities and Exchange Commission.

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